THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5085 OF 2007

DATED 13th MARCH, 2007

Between

The Sneha Yuvajana Sangham

... Petitioner

AND

The District Collector, West Godavari District, Eluru and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5085 OF 2007

ORDER:

Sneha Yuvajana Sangham of Gummuluru, hamlet of Kothapet village, Poduru Mandal, in West Godavri District, filed the instant writ petition seeking a declaration that the action of the respondents in allowing house sites in the land admeasuring Acs.0.87 in R.S.No.512/2 situated in the village is illegal and arbitrary. The petitioner also seeks a consequential direction to respondents not to change the land use and develop for community purposes.

The Government acquired Acs.6.87 cents in R.s.No.512/2 of Gummuluru village in 1991 for providing house sites to economically backward people. An extent of Acs.3.00 cents each allotted to 118 beneficiaries. The balance area of Acs.0.87 was, however, not allotted to anybody. It was allegedly reserved/kept apart for community purposes, namely, community hall, school building, temple etc. The petitioner also alleges that initially the land acquired was low lying and therefore, all the beneficiaries to whom house sites were allotted, levelled the land and constructed houses. The land earmarked for community purposes is low lying and it is not fit for houses. All the residents of the locality belong to scheduled caste are expecting that the Government would allot funds for construction and buildings for community purposes. Attempts made by third parties in 2002 for encroaching the land were also prevented by the revenue officials and

cases were also registered against the encroachers. The petitioner alleges that now the revenue officials are proposing to alienate the land to ryots, who are already having houses or house sites in the village. The petitioner objected for the same before respondents 2 and 3 in vain, and therefore, they filed the present writ petition.

After hearing the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A), this Court is of considered opinion the writ petition is filed by making vague allegations without any basis. Apart from the *locus standi* of the petitioner to raise such an issue before this Court, the petitioner has not placed any material in support of its allegations. The entire case rests on the allegation that in 1991, the land admeasuring Acs.0.87 was earmarked for community purposes. No such proceedings or copy of the order of the competent authority has been placed before this Court. Secondly, even according to the petitioner, the land is low lying and the allottees developed the land by levelling the same before constructing houses. An inference can be drawn that the balance area could not be allotted for these reasons and also for the reason that all the 118 beneficiaries were allotted Acs.0.03 each and the left over land was reserved for future allotment. The petitioner also has not placed before this Court any proceedings sanctioning construction of buildings for community purposes like community hall, school building and temple except making allegation that the Government earlier proposed to do so. In the absence of such proceeding, this Court cannot give any direction to respondents on the modalities as to how the Government land should be used. It is for the revenue authorities to put the land to the best use by exercising sound discretion. The petitioner cannot compel the respondents to use the land only for community purposes when there is no order passed by the District Collector or the Government to that effect.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

13.03.2007.
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